

TITLE VII: TRAFFIC CODE

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CHAPTER 70: MOTOR VEHICLES AND TRAFFIC

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Traffic rules in parks, see § 96.07

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Authority of city to regulate use of motor vehicles, R.S.A. 47:17(VIII)

Motor vehicles, see R.S.A. Chs. 259—269

IN GENERAL

**§ 70.01 COMMITTEE ON TRAFFIC AND PUBLIC SAFETY ESTABLISHED;
PURPOSE.**

For the purpose of making all necessary rules and regulations for the regulation and control of traffic upon the streets of the City of Manchester, the Committee on Traffic and Public Safety, authorized by Chapter 335 of the Laws of 1951 and created by Chapter 63 of the Manchester Revised Ordinances of 1953, is hereby continued in full force and effect.

(Ord. passed 8-6-02)

§ 70.02 MEMBERSHIP; TERMS OF OFFICE.

The Committee on Traffic and Public Safety shall consist of five Aldermen and, as non-voting members, the heads of the Police, Fire, Traffic, and Highway Departments. Aldermanic members shall be appointed by the Mayor for a two-year term. Present members shall continue to serve for the remainder of their current terms as Aldermen. Department heads shall serve for as long as they hold that office. A department head may, in writing, designate a departmental employee to regularly represent that department at meetings of the Committee on Traffic and Public Safety.

(Ord. passed 8-6-02)

§ 70.03 AUTHORITY.

(A) *Authority to make regulations.* The Committee on Traffic and Public Safety shall, subject to the provisions of Chapter 335 of the Laws of 1951 and division (B) of this section, have the authority now vested in the Board of Mayor and Aldermen under the provisions of R.S.A. 41:11 and R.S.A. 47:17 (VII) and (VIII) to perform and carry out the following duties:

(1) Establish traffic lanes and such zones for the loading and unloading of passengers, goods or materials as are necessary.

(2) Identify and designate those intersections requiring travel and/or turning restrictions.

(3) Establish such crosswalks and safety zones as are necessary for the protection of pedestrians.

(4) Establish parking locations and districts and areas where parking is restricted or prohibited.

(5) Provide for the installation, regulation, control, operation, use and maintenance of parking meters.

(6) Determine the location for and determine the character, type and placement of all traffic control devices necessary for the safe and orderly flow of traffic; provided, however, that all such devices shall, to the extent practicable, be uniform as to type and location and be consistent with the latest edition of the "Manual on Uniform Traffic Control Devices for Streets and Highways" (MUTCD), published by the United States Department of

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Transportation, Federal Highway Administration.

(7) Otherwise provide for the safe and orderly flow of traffic and pedestrians and effectuate the purposes and requirements of this chapter.

(B) *Approval of regulations.*

(1) All traffic rules and regulations made and adopted by the Committee on Traffic and Public Safety shall be subject to the approval of the Board of Mayor and Aldermen.

(2) *Exception.* Temporary rules and regulations made and adopted by the Committee on Traffic and Public Safety to be put in effect for a period not to exceed seven days shall not require approval of the Board of Mayor and Aldermen.

(C) Subject to other provisions of law and to the direction of the Board of Mayor and Aldermen, the Committee on Traffic and Public Safety shall oversee parking operations for the City of Manchester as necessary to:

(1) Provide for the daily management and operations of all public parking garages;

(2) Provide for the leasing of parking spaces in city owned lots to public or private entities in the millyard area or other areas deemed in the city's best interest;

(3) Make policy relative to the management and operation of the city parking system. The city parking system shall include facilities and activities related to on-street metered parking, metered parking lots owned and/or operated by the city, parking lots leased out but maintained by the tenant, easements, condominium type and leased parking spaces and parking garages.

(Ord. passed 8-6-02)

§ 70.04 PUBLICATION AND EFFECTIVE DATE.

Rules and regulations adopted by the Committee on Traffic and Public Safety and approved by the Board of Mayor and Aldermen shall not take effect until the title and a brief summary of each rule or regulation has been posted in at least one public place and published in at least one newspaper of general circulation in the city at least one week prior to the effective date thereof.

(Ord. passed 8-6-02)

§ 70.05 AVAILABILITY OF RULES AND REGULATIONS.

The City Clerk shall maintain a copy of each rule and regulation in a form readily available for public examination during the regular hours of that office.

(Ord. passed 8-6-02)

§ 70.06 DEFINITIONS.

The following words and/or phrases shall, for the purposes of this chapter, have the meanings described to them herein unless the context of a section clearly requires otherwise.

ALLEY. A service way providing a secondary means of public access to abutting properties, and not intended for general traffic circulation.

BACK STREET. (see **ALLEY**).

CENTRAL BUSINESS DISTRICT. For the purposes of this chapter, the area of the central business district shall be as that established by resolution of the Board of Mayor and Aldermen authorized by R.S.A. 31:120 through 31:125 and consistent with Chapter 37 of the Code of Ordinances of the City of Manchester.

CITY. City of Manchester, NH.

COMMERCIAL MOTOR VEHICLE. A vehicle designed or used to transport passengers or property if:

- (1) The vehicle has a gross vehicle weight rating or gross combination weight rating of 26,001 or more pounds; or
- (2) The vehicle is designed to transport more than 15 passengers including the driver; or
- (3) The vehicle is of any size and is used in the transportation of materials found to be hazardous pursuant to R.S.A. 259:12-3(c); or
- (4) The vehicle is used primarily for business and industry as contrasted with pleasure vehicles.
- (5) *Exclusion.* **COMMERCIAL MOTOR VEHICLE** shall not include a city vehicle, or emergency vehicles engaged in the provision of emergency medical, Police or Fire

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services.

COMMITTEE ON TRAFFIC AND PUBLIC SAFETY. A committee of the Board of Mayor and Aldermen empowered to regulate and control traffic upon the highways of the city.

CROSSING GUARD. A civilian having completed an approved traffic direction and control course, authorized by the Chief of Police or his designee, to direct traffic to safeguard pedestrians and school children.

CROSSWALK. That portion of a roadway ordinarily included within the prolongation or connection of curb and property lines at intersections, or any other portion of a roadway clearly indicated for pedestrian crossing by lines or other markings on the surface.

EMERGENCY VEHICLE. Fire and Police Department vehicles or transportation devices, ambulances and such vehicles of other municipal departments and public utilities as are used to respond to emergencies and such other vehicle or transportation device designated by the Chief of Police.

FIRE LANE. A space adjacent to a curb or building reserved for the exclusive use of emergency vehicles.

HANDICAPPED PARKING. Specifically designed spaces for parking by persons qualified under R.S.A. 265:74.

HANDICAPPED PARKING ACCESS AISLE. A designated space for maneuvering a wheelchair or other mobility device when entering or exiting a vehicle, and that is immediately adjacent to a properly designated parking space for persons with a walking disability, whether on public or private property.

INTERSECTION. The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then of the lateral boundary lines of two or more streets or highways which join one another at an angle, whether or not one such street or highway crosses the other.

LOADING ZONE. A space, adjacent to a curb, reserved for the exclusive use of vehicles during the loading or unloading of materials or passengers.

MOTOR VEHICLE. Every device in, upon or by which any person or property is or may be transported or drawn upon a street or highway which is self-propelled, except devices used exclusively upon stationary rails or tracks.

MUTCD. "Manual on Uniform Traffic Control Devices for Streets and Highways," as published by the United States Department of Transportation.

OFFICIAL TRAFFIC CONTROL DEVICES. All signs, markings, signals, and devices
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placed or erected by authority of a public body or official having jurisdiction, for the purpose of guiding, directing, warning or regulating traffic.

PARKING. The standing of a vehicle, whether occupied or not, upon a roadway, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading, or in obedience to traffic regulations or traffic signs or signals.

PARKING GARAGE. A city owned building, or portion thereof, used primarily for parking and storage of vehicles and available to the general public.

PARKING METER BANK. A central location in a given parking facility where parking meters are located. Each individual parking meter shall be clearly marked so as to associate itself with a corresponding parking space.

PASSENGER ZONE. A space adjacent to a curb reserved for the exclusive use of passengers when loading or unloading from a motor vehicle.

PAY & DISPLAY METER. A single unit that replaces multiple meters. The motorist pays for parking at the pay station and receives a receipt to be placed face-up on the dashboard of their vehicle. This receipt indicates the start and end of the time purchased.

PEDESTRIAN. Any person afoot.

POLICE OFFICER. Any officer of the Police Department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

PRIVATE ROAD OR DRIVEWAY. Every road or driveway not open to the use of the public for purposes of vehicular travel.

RIGHT-OF-WAY. The privilege of the immediate use of the street or highway.

ROADWAY. That portion of a street or highway between the regularly established curbing or edge of the pavement.

SAFETY ZONE. Refuge island or other area or space officially set apart within a roadway for the exclusive use of pedestrians, and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

SIDEWALK. That portion of a paved or unpaved street or public right-of-way between the curb lines, and if no curb from the traveled portion of the street, and the edge of the public right-of-way intended for pedestrian travel.

STANDING. Any stopping of a vehicle whether occupied or not.

STREET OR HIGHWAY. Every way or place of whatever nature open to the use of the

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public, as a matter of right, for the purposes of vehicular travel.

THROUGH STREET. A designated route or street in which motor vehicles have the right of way over intersecting roadways.

TRAFFIC. Pedestrians, vehicles and other conveyances using any street for purposes of travel.

TRAILER. Any device designed to be attached to and towed by a motor vehicle for the purpose of transporting property of any type.

TRUCK. Any commercial motor vehicle or any vehicle with manufacturer load capacity of over one ton, which is not an emergency vehicle engaged in the provision of emergency medical, Police or Fire services.

VEHICLE. Every device in, upon or by which any person or property is or may be transported or drawn upon a street or highway, except devices used exclusively upon stationary rails or tracks.

(Ord. passed 8-6-02; Am. Ord. passed 4-6-04; Am. Ord. passed 12-5-06)

§ 70.07 DEPARTMENTAL AUTHORITY AND RESPONSIBILITY.

(A) *Police.*

(1) It shall be the duty of the Police Department or such officers as are assigned by the Chief of Police to enforce the provisions of this traffic chapter or any rules and regulations promulgated hereunder and all of the state vehicle laws applicable to street traffic in the city.

(2) Officers of the Police Department or such officers as are assigned by the Chief of Police are hereby authorized to direct all traffic by voice, hand, or signal in conformance with the provisions of this traffic code; provided, however, in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the Police Department may direct as conditions may require notwithstanding the provisions herein.

(3) Officers of the Police Department are hereby authorized to display portable signs within certain intersections forbidding vehicle drivers to perform specified maneuvers. Said portable signs shall only be displayed at a specified intersection during times of traffic congestion when, in the opinion of the Chief of Police, such restrictions are necessary to expedite the movement of traffic through the intersection.

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(4) The Chief of Police or his designee may restrict or prohibit parking or travel on any public street whenever the ordinary use of the street would become hazardous due to an emergency, special event, or unusual activity. With the exception of an emergency situation, such special restricted parking, prohibited travel shall not exceed 72 hours without authority from the Committee on Traffic and Public Safety of the City of Manchester. The Chief of Police or his designee should inform the Alderman/Aldermen of the appropriate ward(s) of his decision.

(5) It shall be the duty of the Police Department or crossing guards as are assigned and supervised by the Chief of Police or his designee to direct elementary school children in crossing streets at designated crossings and designated times deemed necessary by the Chief of Police to assist the safe traveling of children to and from school; to cooperate with school officials in enforcing school rules and regulations relating to the crossing of streets; and instructing school children in the elements of traffic safety.

(6) Officers of the Police Department or crossing guards as are assigned and supervised by the Chief of Police or his designee are hereby authorized to stop traffic to ensure the safe crossing of children.

(B) *Fire.* Officers of the Fire Department, when at the scene of a fire or other emergency, may direct or assist the Police in directing traffic in the immediate vicinity.

(C) *Traffic.*

(1) It shall be the duty of the Traffic Department to make recommendations to the Committee on Traffic and Public Safety relative to formulation of ordinances and regulations governing traffic.

(2) It shall be the duty of the Traffic Department to construct, repair, and to provide maintenance for the traffic control devices as prescribed by law and/or by the Board of Mayor and Aldermen.

(3) The Traffic Department shall oversee the management, operation, maintenance and other tasks pursuant to policy established by the Committee on Traffic and Public Safety.

(4) The Traffic Department may grant a temporary permit for a special circumstance, to include funerals, weddings, elections, moving of furnishings and construction, that requires disruption of parking or movement of vehicles. Such permit shall be valid for no more than 24 hours. Requests for permits for a longer period shall be directed to the Committee on Traffic and Public Safety.

(D) *Highway.*

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(1) The Public Works Director is empowered to make regulations and the Chief of Police is empowered to enforce the regulations necessary to cover emergencies or special conditions.

(2) It shall be the responsibility of the Highway Department to establish emergency or special regulations governing snow removal.

(E) Any person working for the city in the performance of their duties may direct traffic as conditions may require.

(Ord. passed 8-6-02; Am. Ord. passed 12-19-05)

§ 70.08 ALCOHOL PROHIBITED IN VEHICLE.

No person shall consume any liquor or beverage as defined by R.S.A. 175:1 or possess any opened container thereof while in any vehicle upon a way defined by R.S.A. 259:125.

(Ord. passed 8-6-02)

§ 70.09 WAIVER OF REGISTRATION FEE.

To the extent provided in R.S.A. 261:175-A, former prisoners of war are hereby exempt from payment of the fee to be charged for a permit to register one motor vehicle.

(Ord. passed 8-6-02)

§ 70.10 EMERGENCY VEHICLE EXEMPTION.

The provisions of this chapter regulating the movement, parking and standing of vehicles shall not apply to an emergency vehicle. This exemption shall not, however, protect the operator of any such vehicle from the consequences of a reckless disregard for the safety of others.

(Ord. passed 8-6-02)

§ 70.11 SIGNS REQUIRED.

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(A) No provision of this chapter for which signs are required shall be enforced against an alleged violator if, at the time and place of the alleged violation, the required sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person.

(B) Whenever a particular section of this chapter does not require signs, such section shall be effective without signs having been erected. No signs shall be required for overnight winter parking pursuant to § 71.13 or for snow emergencies.

(Ord. passed 8-6-02; Am. Ord. passed 12-19-05)

Cross-reference:

Snow Emergency Regulations, see Ch. 71

§ 70.12 SOLICITING RIDES.

(A) No person shall stand on the roadway for the purpose of soliciting a ride, employment, business or contributions from the occupant of any vehicle.

(B) No person shall stand on, or in proximity to, the roadway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or way.

(C) Any person may hitchhike or solicit a ride from the occupant of any vehicle provided that the person is not, when so doing, standing on the roadway.

(Ord. passed 8-6-02)

VEHICLE OPERATION

§ 70.15 THROUGH STREETS.

(A) Subject to the direction of any traffic control sign or signal or unless otherwise directed, the driver of any vehicle traveling on any street intersecting a street which has been established by rule or regulation as a through street shall stop such vehicle at the intersection before proceeding across or into the through street.

(B) The driver of any vehicle who has stopped or yielded at an intersection shall yield to other vehicles within the intersection or approaching so closely on the intersecting street as to

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constitute an immediate hazard.

(Ord. passed 8-6-02)

§ 70.16 ONE-WAY STREETS.

A sign indicating the proper direction of travel shall be erected and maintained on any street established by rule or regulation for one-way travel.

(Ord. passed 8-6-02)

§ 70.17 AUTHORIZED PROCESSIONS.

(A) Unless otherwise directed by a Police Officer or other authorized official, no vehicle shall be driven between the vehicles comprising a funeral or other authorized procession while such procession is in motion, provided that each vehicle in the procession is conspicuously part of the procession and has its headlights illuminated.

(B) Any funeral director licensed by the State of New Hampshire is authorized to conduct, organize or lead a funeral procession as long as such procession meets the requirements of this section.

(C) All other processions, including but not limited to, parades, road races, motorcades, and walk-a-thons must be authorized by the Chief of Police or his designee, must meet the requirements of this section, and must have a sign-off from the departments of Highway, Fire, and the City Clerk. The Chief of Police may place restrictions on the permit. The Chief of Police or his designee should inform members of the Board of Mayor and Aldermen of his decision.

(D) If any person or organization is denied a permit under (C) above, such person or organization may appeal the denial to the Committee on Traffic and Public Safety. Such appeal must be submitted in writing to the Office of the City Clerk within 48 hours of receipt of denial. The Committee on Traffic and Public Safety shall reach a decision within 30 days of receiving said request to appeal.

(Ord. passed 8-6-02)

§ 70.18 LIMITATIONS ON TURNING AROUND.

No driver shall turn any vehicle so as to proceed in the opposite direction unless such movement can be made in safety and without backing up or otherwise interfering with the flow of traffic, nor shall any driver turn any vehicle so as to proceed in the opposite direction in violation of any rule or regulation promulgated pursuant to this chapter prohibiting such action.

(Ord. passed 8-6-02)

§ 70.19 EMERGING FROM ALLEY OR PRIVATE DRIVEWAY.

The driver of any vehicle emerging from an alley, driveway or building shall stop such vehicle immediately before driving onto a sidewalk, street or alley. No vehicle shall proceed onto a street or alley unless that movement can be made safely.

(Ord. passed 8-6-02)

§ 70.20 DRIVING PROHIBITED ON SIDEWALKS AND IN SAFETY ZONES.

(A) No vehicle shall be driven upon any sidewalk or sidewalk area except where necessary to enter a street, alley, driveway, or similar place.

(B) Other than emergency vehicles, no vehicle shall be operated within a safety zone.

(Ord. passed 8-6-02)

§ 70.21 FAILURE TO STOP FOR CROSSING GUARD PROHIBITED.

No vehicle shall proceed to be driven upon any street when requested to stop by a crossing guard.

(Ord. passed 8-6-02)

§ 70.22 BOARDING OR ALIGHTING FROM VEHICLES.

No person shall board or alight from any vehicle while that vehicle is in motion.

(Ord. passed 8-6-02)

§ 70.23 UNLAWFUL RIDING.

It shall be unlawful for any person to ride on any portion or part thereof of any vehicle, which is not designed or intended for the use of passengers when the vehicle is in motion. This provision shall not apply to an employee, private or public, engaged in the necessary discharge of a duty for his/her employer, or to persons riding within closed truck bodies in space intended for merchandise.

(Ord. passed 8-6-02)

§ 70.24 ROLLER SKATES AND SIMILAR DEVICES.

(A) It shall be unlawful for any person upon roller skates, skateboards, or riding in or by means of any coaster, toy vehicle or a similar device, which is motorized or non-motorized to go up on any roadway except while crossing a street on a crosswalk.

(B) It shall be unlawful for any person to use a skateboard or similar device whether motorized or non-motorized in zones restricted by regulation of the Committee on Traffic and Public Safety.

(C) The provisions of this section shall not apply to an electric personal assistive mobility device as defined by R.S.A. 269:1 et seq.

(Ord. passed 8-6-02)

§ 70.25 PERSONS PROPELLING PUSH CARTS OR RIDING BICYCLES OR ANIMALS TO OBEY TRAFFIC REGULATIONS.

(A) Every person propelling any push cart or riding a bicycle or an animal upon a

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roadway, shall be subject to the provisions of this chapter applicable to the operation of any vehicle.

(B) *Clinging to moving vehicles.* It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates or any toy vehicle to cling to or attach himself or his vehicle to any other moving vehicle upon any roadway.

(C) *Riding on handle bars prohibited.* It shall be unlawful for the operator of any bicycle or motorcycle, when upon the street, to carry any other person upon the handle bar, frame or tank of any such vehicle, or for any person to so ride upon any such vehicle.

(Ord. passed 8-6-02)

§ 70.26 UNATTENDED MOTOR VEHICLES.

No person having charge or control of a motor vehicle shall allow that vehicle to stand or park on any street unattended without first having set the brakes and stopping the motor of the vehicle. When such standing or parking is on a perceptible grade, the wheels of the vehicle shall be turned to the curb or side of the roadway.

(Ord. passed 8-6-02)

§ 70.27 DISCHARGING FIREWORKS.

No person shall throw or discharge from, toward, at or under any motor vehicle any firecracker, torpedo or other firework.

(Ord. passed 8-6-02)

§ 70.28 COMMERCIAL MOTOR VEHICULAR AND TRUCK TRAFFIC PROHIBITED DURING CERTAIN HOURS.

(A) No person, persons, firm or corporation shall operate or cause to be operated any commercial motor vehicle, or truck in any district prohibited by regulation of the Committee on Traffic and Public Safety.

(B) No person, persons, firm or corporation shall operate or cause to be operated any commercial motor vehicle, or truck between the hours of 9:30 p.m. and 7:00 a.m. on any street or

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portion of a street designated by regulation of the Committee on Traffic and Public Safety.

(C) This section shall not apply to any commercial vehicle or truck making an emergency delivery or service call on any street or portion thereof designated as no trucks allowed.

(Ord. passed 8-6-02)

§ 70.29 CROSSING FIRE HOSE.

No vehicle shall be driven over any hose of the Fire Department when laid down on any street or private driveway to be used at any fire or alarm of fire, without the consent of the Fire Chief or Fire Department Official.

(Ord. passed 8-6-02)

§ 70.30 TRAFFIC CONGESTED ELM STREET.

(A) *Purpose.* The purpose of this section is to prohibit the repeated driving of a motor vehicle along any portion of Elm Street when it has been determined to be congested with traffic by the Committee on Traffic and Public Safety.

(B) *Acts prohibited.* No vehicle shall travel along Elm Street where marked as such by signs as described in § 70.30 (D).

(C) *Traffic congested defined.* **TRAFFIC CONGESTED STREET** is any portion of Elm Street when it is affected by traffic congestion caused in whole or part by the repeated driving of the same motor vehicle along or across any portion of the street. The Committee on Traffic and Public Safety shall determine those times during which Elm Street shall be designated as traffic congested.

(D) *Posting of signs.* The Committee on Traffic and Public Safety shall cause signs to be posted giving drivers notice that the passage of the same motor vehicle upon Elm Street more than two times during the prohibited hours is a violation of § 70.30 (B).

(E) *Notice of towing for subsequent violations.* Upon issuing a summons or a written or oral warning for a violation of § 70.30(B), the Police Officer shall give the individual to whom the summons, written or oral warning is issued a written notice which shall state as follows:

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Notice

You have been cited for a violation of § 70.30(B) of the City of Manchester, New Hampshire Code of Ordinances for repeated passage of a motor vehicle on Elm Street when it has been designated as traffic congested. If the vehicle you are operating is again driven along Elm Street during such time as it has been designated as traffic congested within the next eight hours the vehicle may be impounded and towed at your expense or the expense of the owner or other person entitled to possession of the vehicle.

Date	Time	Officer
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(F) *Exemptions.* Section 70.30(B) shall not apply to:

- (1) Any motor vehicle owned by the federal government or any agency thereof, by any state or a political subdivision thereof.
- (2) Any motor vehicle being operated by any employee of the federal government, any state government or any political subdivision thereof, while on public business.
- (3) Any motor vehicle licensed for public transportation.
- (4) Any motor vehicle granted a prior exemption by the Chief of Police because passage of the motor vehicle upon or across a traffic congested street is necessary for commercial or public safety reasons. The Chief of Police shall keep a list of all motor vehicles granted an exemption.
- (5) Any marked emergency services motor vehicle.

(G) *Penalty.* A violation of § 70.30(B) shall carry a penalty of \$25 for the first offense within one calendar year, \$50 for the second offense within one calendar year and \$100 for the third and each subsequent offense within one calendar year.

(Ord. passed 8-6-02)

§ 70.31 SPEED IN SERVICE ALLEY.

Unless otherwise posted, the speed limit shall be ten miles per hour in any service alley in the city as designated by ordinance or regulation of the Committee on Traffic and Public Safety and approved by the Board of Mayor and Aldermen.

(Ord. passed 11-5-03)

STOPPING, STANDING AND PARKING

§ 70.36 STOPPING, STANDING, OR PARKING PROHIBITED.

(A) Except when necessary to comply with the directions of a Police Officer or traffic control device, no vehicle shall be allowed to stop, stand, or park:

- (1) At any place where stopping, standing or parking is prohibited by any traffic control device.
- (2) Within an intersection.
- (3) Within a crosswalk.
- (4) Between a safety zone and the adjacent curb or within 30 feet of points of the curb immediately opposite the ends of a safety zone unless a different length is indicated by a traffic control device.
- (5) Within 20 feet from the intersection of the curbing or edge of the pavement or, if none, then within 15 feet of the intersection of property lines at an intersection, except at alleys.
- (6) Within 30 feet upon the approach to any traffic control device located at the side of the roadway.
- (7) Within 20 feet of the driveway entrance to any fire station.
- (8) Within 15 feet of a fire hydrant.
- (9) Within 5 feet of a private driveway.
- (10) On a sidewalk, except that food vendors holding a peddler's license from the Office of the City Clerk may be authorized to encumber no more than one half the width of any sidewalk within the Central Business Service District, as measured from the curbing, provided such encumbrance is approved by the Department of Highways. Said vendors are restricted to that space bordered by the curbing.
- (11) Alongside or opposite any street excavation or obstruction in a manner that would obstruct traffic.
- (12) On the roadway side of any vehicle stopped, stood or parked at the side of

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the roadway.

(13) Within 50 feet of the nearest rail of a railroad crossing.

(14) So as to leave available for the free movement of traffic less than 12 feet of the width of any roadway, except for brief stops while actually loading or unloading passengers.

(15) In any handicapped parking tow zone or in or overlapping into any handicapped parking access aisle, unless the vehicle bears a proper license plate, decal or permit for such parking and is being operated by a handicapped person who qualified for the handicapped plate, decal or permit or the qualified handicapped person is being transported in the vehicle and who is out of the vehicle while the vehicle is parked.

(16) On any bridge or any designated restricted area including, but not limited to, the front of any church, hospital, funeral parlor, theater or hotel entrance.

(B) Except when necessary to comply with the directions of a Police Officer or traffic control device, no vehicle shall be allowed to park:

(1) On any back street, lane or alley.

(2) In violation of any restriction contained in any law or ordinance.

(3) In violation of any rule or regulation properly established by the Committee on Traffic and Public Safety.

(4) On any street during the period from and including November 15th of each year to May 15th in violation of the provisions of §§ 70.70 or 70.71 of this chapter.

(C) Parking of motor vehicles designated as commercial vehicles shall be prohibited from parking on any city street between the hours of midnight and 5:00 a.m. subject to violation or towing.

(Ord. passed 8-6-02; Am. Ord. passed 4-6-04)

§ 70.37 MANNER OF STOPPING, STANDING OR PARKING.

Unless otherwise directed by a traffic control device, all vehicles shall be stopped, stood or parked parallel with the edge of the roadway, headed in the proper direction of travel, and with the curbside wheels of the vehicle within 12 inches of the edge of the roadway. Where angle parking has been established, all vehicles shall be parked at the angle to the curb indicated by traffic control devices, and where stall parking has been established, no vehicle shall occupy

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more than one stall unless the length of that vehicle requires an additional stall or stalls.

(Ord. passed 8-6-02)

§ 70.38 BUS STOPS AND TAXICAB STANDS.

(A) No vehicle other than a bus shall be allowed to stop, stand or park in an officially designated bus stop, and no vehicle other than a taxicab shall be allowed to stop, stand or park in an officially designated taxicab stand.

(B) No bus shall be allowed to stop, stand or park upon any street in the central business district at any place other than a bus stop, and no taxicab shall be allowed to stop, stand or park upon any street in the central business district at any place other than a taxicab stand except that both buses and taxicabs may be temporarily stopped for brief periods of time at any place where such stops are otherwise allowed for the purpose of, and while actually engaged in, loading or unloading passengers.

(Ord. passed 8-6-02)

§ 70.39 PARKING FOR SALE OR TO DISPLAY ADVERTISING.

Unless a permit for that purpose has been obtained from the City Clerk, no vehicle shall be operated or parked on any street for the primary purpose of displaying advertising or using a sound amplification device. No vehicle displayed for sale shall be parked upon any street.

(Ord. passed 8-6-02)

§ 70.40 TOWING.

(A) (1) Any company or person which tows a motor vehicle without the consent or authorization of the owner or operator of the motor vehicle shall not charge a towing fee in excess of \$70 during regular business hours. The fee for a tow conducted at a time other than regular business hours shall be \$85. For purposes of this section, **REGULAR BUSINESS HOURS** shall mean, at a minimum, the hours from 8:00 a.m. to 5:00 p.m., Monday through Friday, holidays excepted, as well as any other posted business hours. The company or person shall post the business hours of its storage lot and shall disclose such information upon request of

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the owner or operator of a motor vehicle.

(2) Any company or person which tows a motor vehicle without the consent or authorization of the owner or operator of the motor vehicle shall not charge a fee in excess of \$25 per day for storing the towed motor vehicle. There shall be no storage fee for the first 24 hours after a motor vehicle is towed.

(B) No company or person shall charge any fee other than a towing fee or storage fee, as provided for in § 70.40 (A), for a motor vehicle which has been towed without the consent or authorization of the owner or operator; except a company or person may charge a service fee of up to \$25 to release a motor vehicle from a storage lot to its owner or operator at a time other than regular business hours. In the event a service fee is charged, the company or person shall have the owner or operator sign an acknowledgment upon the release of the motor vehicle. The acknowledgment shall specify the date and time the vehicle was released, the location of the storage lot, and the amount of the service fee charged. No "hoisting", "let-down", "standby" or "gate" fee shall be charged.

(C) Any company or person which has towed a motor vehicle without the consent of the owner or operator shall release to the owner or operator any and all property contained within or on such vehicle, but not attached to the vehicle, upon request by the owner or operator of the vehicle without requiring the payment of any fee therefore including the towing fee and the storage fee provided for in § 70.40 (A).

(Ord. passed 11-19-96; Am. Ord. passed 4-6-99; Am. Ord. passed 9-4-02; Am. Ord. passed 10-4-05)

PARKING OPERATIONS

§ 70.44 DIVISION ESTABLISHED.

Parking Management and Operations is hereby established as a division within the Economic Development Office.

(Ord. passed 6-12-06)

§ 70.45 DUTIES OF PARKING MANAGEMENT AND OPERATIONS.

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The division of Parking Management and operations shall:

- (A) Manage, maintain, operate and account for revenue from all municipal parking meters within the city.
- (B) Issue, manage and account for revenue from all municipal parking leases within the city.
- (C) Manage, operate, maintain and account for the revenue from all municipal parking garages with the city with the exception of those garages located on school premises.
- (D) Manage, operate, maintain and account for the revenue from all municipal surface parking lots within the city with the exception of surface parking lots located on school premises.
- (E) Manage and operate all on street parking with the city.
- (F) Perform all such other duties or tasks as may be assigned by the Board of Mayor and Alderman or as may be incidental to the duties and tasks set forth above.

(Ord. passed 6-12-06)

§ 70.46 ADMINISTRATION.

Pursuant to § 70.07, the Traffic Department shall be responsible to the Committee on Traffic and Public Safety for the daily administration of the city's parking operations.

(Ord. passed 8-6-02)

§ 70.47 AUTHORIZING INSTALLATION OF PARKING METERS AND MAINTENANCE THEREOF.

The Traffic Director is hereby authorized, subject to the approval of the Committee on Traffic and Public Safety, to provide for the installation, regulation of fees, maintenance, control, operation and use of parking meters on any street, part of a street, or municipal parking area.

(Ord. passed 8-6-02)

§ 70.48 DENOMINATION OF COIN TO BE DEPOSITED AND TIME ALLOTTED

THEREFOR.

(A) Whenever any vehicle shall be parked next to a parking meter on any day, when parking regulations as provided for under the provisions of this chapter are in effect, the owner or operator of said vehicle shall park within the area designated by the curb and street marking lines as indicated for parallel, or diagonal parking on public highways or in municipal parking lots within the lines indicated for the parking meter selected by the operation of the motor vehicle, and upon entering said parking space shall immediately deposit in said parking meter any lawful coin or coins of the United States in the proper amount depending upon the location and the length of time such vehicle can be legally parked as prescribed for that zone by this chapter and shall put the meter in operation; provided, however, that such owner or operator may use the unexpired time remaining on the meter from the previous use without depositing a coin therein, and provided further that no vehicle shall be parked for longer than the period prescribed for that zone by this chapter. When a vehicle is too large to be confined in a single space, only the meter nearest the hood of the front end of said vehicle need be operated. If a vehicle shall remain parked in any parking space for longer than the time prescribed by this chapter or for such length of time that the parking meter shall display a signal indicating illegal parking, then in that event such vehicle shall be considered as parked overtime.

(B) It shall be unlawful to deposit or cause to be deposited in any parking meter anything other than a coin or coins of the United States.

(C) It shall be unlawful to park in any space without a meter beyond the prescribed time.

(D) *Pay & display meter.*

(1) Procedure for using pay & display meters.

(a) Area for pay & display meter parking will be marked with signs, indicating the time zone and where the pay & display meter is located.

(b) The motorist may park their vehicle and proceed to the pay station.

(c) The motorist has the choice to pay with credit card or U.S. coins (dollars, quarters, dimes, or nickels).

(d) Minimum credit card transaction is \$1.

(e) The motorist will receive a pay & display receipt (P&DR) which must be placed face up on the dashboard of their vehicle.

(f) The receipt must be visible from both sides of the vehicle.

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(g) The receipt is valid at any pay & display meter in the city as long as it is not expired or the vehicle has not been parked for longer than the allowed time limit in that particular space.

(h) The receipt is only valid on the date issued.

(i) Only one receipt is allowed on the vehicle dashboard.

(2) Pay & display receipts will at minimum have the following printed information:

(a) Issued date and time;

(b) Expiration date and time;

(c) Machine ID number;

(d) Receipt number;

(e) Payment amount;

(f) City's name; and

(g) Words "PLACE ON DASH- BOARD FACE UP".

(3) Procedure for enforcement.

(a) A vehicle with no obvious signs of a purchased pay & display receipt (from the current day) placed face up on the dashboard of the vehicle will be issued a parking citation for "Failure to Display Pay & Display Receipt" pursuant to § 70.78.

(b) A vehicle displaying an expired pay & display receipt (current date) will be subject to a parking citation for "Expired Meter" pursuant to § 70.78.

(c) A vehicle not parked wholly within the lines identifying the parking space will be subject to a parking citation for "No Parking Zone" pursuant to § 70.78.

(d) Vehicles are also subject to any time restriction as posted.

(4) Out-of-order pay & display meters. If a pay & display meter is out-of-order or otherwise inoperable, the motorist will be directed to the nearest alternative pay & display meter to obtain a valid receipt.

(Ord. passed 8-6-02; Am. Ord. passed 7-11-06; Am. Ord. passed 12-5-06)

§ 70.49 DEPOSITING OF ADDITIONAL COINS TO EXTEND MAXIMUM PARKING TIME PROHIBITED.

It shall be unlawful for any person to deposit or cause to be deposited in any parking meter any coin for the purpose of obtaining an extension of indicated parking time beyond the maximum limit prescribed by this chapter for parking of vehicle along side of said meter.

(Ord. passed 8-6-02)

§ 70.50 SIGNAL DISPLAY REQUIRED.

(A) No vehicle shall be permitted to remain parked at any parking meter unless the signal showing lawful parking is displayed. Regardless of the reason therefore, the absence of such display or the display of the signal showing that the lawful parking period has expired shall be prima facie evidence that the vehicle has been parked for longer than the permitted period.

(B) The preceding section shall not apply to vehicles parked at parking meters within authorized lots, displaying valid parking permits issued pursuant to any other section of this chapter.

(Ord. passed 8-6-02)

§ 70.51 TAMPERING, ETC. PROHIBITED.

No one shall deface, damage, destroy or otherwise tamper with any parking meter. No one other than a duly designated municipal employee shall remove any meter from the place where it has been installed, or open or remove the coin(s) from any parking meter.

(Ord. passed 8-6-02)

§ 70.52 REQUIRED COIN DEPOSIT LEVIED AS INSPECTION FEE.

The coins required to be deposited in said parking meters are hereby levied as a Committee on Traffic and Public Safety regulation and inspection fee to cover the cost of providing parking spaces, parking meters, traffic signals, signs, or other traffic control devices,

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and installation and maintenance thereof; the cost of regulation, inspection, operation, control and use of the parking meter spaces and zones created herein; for the regulation and control of traffic moving in and out of, and parking in, said parking spaces and zones so created, and for the cost of any resultant traffic administration expense.

(Ord. passed 8-6-02)

§ 70.53 LOADING ZONE LIMITATION.

No vehicle shall be parked in a loading zone in excess of 15 minutes.

(Ord. passed 8-6-02)

§ 70.54 PERMIT PARKING IN LIEU OF COIN DEPOSIT.

(A) The other provisions of §§ 70.76 through 70.82 of this chapter notwithstanding, vehicles may be lawfully parked in compliance with the requirements of this section, provided that the permit issued pursuant to this section is displayed by being hung from the rear view mirror or fully visible on the passenger side of the dashboard of said vehicle.

(B) In accordance with policies and procedures as are approved by the Committee on Traffic and Public Safety, the Traffic Director or his designee is hereby authorized to issue parking permits at monthly fees, or school semester fees under contractual arrangement, as prescribed herein. Such permits shall allow parking in lieu of the deposit of the required coin in any metered parking space or in any parking space designated by posting "parking by permit only" located in any of the following districts during the times prescribed:

Parking District

Permit Rate Established

8:00 a.m. to 8:30 p.m. Monday through Friday

On Street Millyard -

\$40.00

On Street Millyard - Student Rate

by semester

\$20.00

area bounded on north by West Pennacook Street,
on the south by Granite Street,
on the east by West Canal Street
and on the west by the Merrimack River.

8:00 a.m. to 5:30 p.m. Monday through Friday

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Downtown On-Street - \$40.00

area to include 10 hour metered spaces
east of Canal Street, excluding Elm Street

5:30 p.m. to 10:00 p.m. Monday through Friday, and Saturday 8:00 a.m. to 10:00 p.m.

Civic Center Event decal - \$30.00

any 10-hour meter in all districts not otherwise posted

Millyard Lots - Monday through Friday

Full day permit (8:00 a.m. to 5:30 p.m.) \$40.00

Partial day permit (3:00 p.m. to 5:30 p.m.) \$10.00

Millyard Lots

Arms Extension Lot

Arms Lot

Arms Outer Lot

Bedford Lot

Granite Lot

Myrna Lot

Rubenstein Lot

Seal Lot

8:00 a.m. to 5:30 p.m. Monday through Friday

Other Parking Lots - \$45.00

Hartnett Lot

Pearl Street Lot

Pine Street Lot

No permit issued under the authority of this section shall be valid in any other metered space or in any other area. No permit shall be issued for a period in excess of one year. The permits authorized by this section shall not entitle the holders thereof to either priority or guaranteed parking.

(Ord. passed 8-6-02; Am. Ord. passed 6-3-03; Am. Ord. passed 6-8-04; Am. Ord. passed 5-1-07)

§ 70.55 RESIDENTIAL PERMIT PARKING.

(A) *Findings and purposes.* The Board of Mayor and Aldermen hereby finds and declares that the provisions of this section are enacted for the following reasons:

- (1) To reduce hazardous traffic conditions resulting from the use of streets

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within residential districts for vehicles parked by persons not residing within the residential districts;

(2) To protect these residential districts from polluted air, excess noise, and refuse caused by the entry of such vehicles;

(3) To protect the residents of these residential districts from unreasonable burdens in gaining access to their residences;

(4) To preserve the character of those districts as residential districts;

(5) To encourage the use of public transportation;

(6) To promote efficiency in the maintenance of streets in these residential districts in a clean and safe condition;

(7) To preserve the value of the property in these residential districts;

(8) To promote traffic safety and safety of children and other pedestrians in these residential districts;

(9) To forestall dangers arising from the blocking of fire lanes, hydrants and other facilities required by emergency vehicles, both in reaching victims and in transporting them to hospitals;

(10) To facilitate the movement of traffic in the event of accidents and other disasters; and

(11) To promote the peace, comfort, convenience, and welfare of all inhabitants of the city.

(B) *Definitions.* For the purpose of this section, the following terms, phrases, words, and their derivations shall have the meaning given herein unless a different meaning clearly appears from the context. When not inconsistent with the context, words in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

COMMITTEE ON TRAFFIC AND PUBLIC SAFETY. The standing Committee of the Board of Mayor and Aldermen called the Committee on Traffic and Public Safety, consisting of five of the Board of Mayor and Aldermen.

MOTOR VEHICLES. Any automobile or truck or other motor driven form of transportation registered with the State of New Hampshire for use on the highways in the state.

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RESIDENT MOTOR VEHICLE. A City of Manchester registered motor vehicle owned or leased by a resident of the residential permit parking area and bearing a valid parking permit issued pursuant to this section.

RESIDENTIAL AREA. A contiguous or nearly contiguous area containing public streets and highways or parts thereof where residents dwell.

RESIDENTIAL PERMIT PARKING ZONE. A residential area designated as such by order of the Board of Mayor and Aldermen, where curbside parking on public highways is subject either to time limits, parking meter requirements or designated as residential parking only by ordinance or regulation of the Committee on Traffic and Public Safety and approval of the Board of Mayor and Aldermen.

(C) *Designation of Residential Parking Permit Zone.* A residential area shall be deemed eligible for residential parking if the Committee on Traffic and Public Safety, with the approval of the Board of Mayor and Aldermen, determines that parking therein is impacted by commuter vehicles. In determining whether an area identified as eligible for residential permit parking shall be designed as a residential permit parking zone, the Committee on Traffic and Public Safety shall take into consideration the following factors:

- (1) The extent of the desire and need of the residents for residential permit parking;
- (2) Proximity of the neighborhood to major "parking attractors" including, but not limited to, employment centers, retail stores, restaurants, and tourist attractions;
- (3) Proximity of the neighborhood to transit service;
- (4) Scarcity of convenient off-street parking for residents;
- (5) The extent to which motor vehicles registered to persons residing in the residential area cannot be accommodated by the number of available off-street parking spaces;
- (6) Substantial use of neighborhood curb space by commuters and other nonresidents for parking;
- (7) Traffic, noise and safety problems caused by vehicles cruising for parking.

(D) *Residential Parking Permit Zones.* The following areas are hereby designated as the Residential Parking Permit Zones:

- (1) Residential Parking Permit Zone #1.
 - (a) Area consisting entirely of the Amoskeag Corporation Housing Historic District (as defined in the Manchester Zoning Ordinance) which is an area bounded

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generally by Mechanic Street on the north, Pleasant Street on the south, Franklin Street on the east, and Canal Street on the west, but not to include Franklin Street and Canal Street except for 287, 633, 635, 641, 643, 647, 649, 657, and 659 Canal Street. The north side of Mechanic Street and the south side of Pleasant Street shall not be included in the program.

(b) Kidder, Hollis and Dow Streets.

(c) Bedford Street from Kidder Street southerly to Pleasant Street.

(2) Residential Parking Permit Zone #2.

(a) Area bounded by Merrimack Street on the north, Auburn Street on the south, Union Street on the east, and on the west by Chestnut Street, Lake Avenue, and Pine Street in the manner they form the western boundary of the R-4 Zoning District pursuant to the Zoning Map of the City of Manchester, NH. Union Street shall not be included in the program.

(b) Area bounded by Amherst Street on the south, Blodget Street (from Elm Street to Union Street) on the north, Union Street on the east, Chestnut Street to Orange Street, then westerly on Orange Street to Elm Street and then continuing northerly on Elm Street to Blodget Street on the west. Union Street and Elm Street shall not be included in the program. Residents within permit zone #2 on Amherst Street must park on Concord Street or northerly in the zone.

(3) Residential Parking Permit Zone #3. Area bounded by Harvell Street on the north, the Town of Bedford property line on the south, the Everett Turnpike on the east and Second Street on the west but not to include Second Street and the Everett Turnpike. Both sides of Harvell Street shall be included in the program.

(4) Residential Parking Permit Zone #4. Areas described as follows: Pine Street, east side, from Valley to Auburn Streets; Cedar Street, both sides, from Pine to Union Streets; Auburn Street, south side, from Pine to Union Streets; Spruce Street, both sides, from Pine to Union Streets; Central Street, north side, from Union to Pine Streets; and Laurel Street, both sides, from Union to Pine Streets; and further described as Auburn Street both sides from Union Street to Maple Street; Beech Street west side, from Auburn Street to Valley Street; Bell Street, both sides, from Union Street to Beech Street; Grove Street, both sides, from Union Street to Beech Street; and Green Street, both sides, from Union Street to Beech Street.

(5) Residential Parking Permit Zone #5. Area described as follows: Bay Street, east side, from Webster to North Street.

(6) Residential Parking Permit Zone #6. Area bounded on the west by the west side of Elm Street, on the north by the south side of Bridge Street, on the east by the east side of Chestnut Street and on the south by the north side of Merrimack Street. Residents within this district shall not be issued a residential parking permit to park within the District. Residents

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within the district to the north of the north side of Amherst Street shall be issued a permit to park in Residential Parking Permit Zone (2)(b). Residents within the district to the south of the south side of Amherst Street shall be issued a permit to park in Residential Parking Permit Zone (1).

(E) *Issuance of residential parking permits.*

(1) A permit shall be issued for a designated residential permit parking zone upon submission of a completed and validated residential parking permit application by a person eligible for such a permit. A person is eligible to apply for a residential parking permit if he owns or operates a motor vehicle and resides on property within or immediately adjacent to a street, avenue or other location to which the residential parking provisions of this section are applicable. Proof of residence in the residential parking zone in a form reasonably satisfactory to the Manchester Police Department must be presented at the time application is made.

(2) The application for the permit shall contain the name of the owner or operator of the motor vehicle; residential address; the make, model, registration, and plate numbers of the motor vehicle; and the number of driver's license of the applicant. The motor vehicle registration and driver's license of the applicant must be present at the time of making such application in order to verify the contents thereof. The owner or operator of any motor vehicle applying for a residential parking permit shall have a valid State of New Hampshire driver's license.

(a) Notwithstanding those portions of division (1) or (2) to the contrary a full time student whose driver's license does not show an address within a Residential Parking Permit Zone may meet the driver's license requirement of division (2) by presenting his or her driver's license together with a letter from the registrar of a state accredited post secondary school located within the city.

(b) The letter shall state that the applicant is a full time student at said school and if the applicant resides in school provided housing the letter shall state the address of the student's school provided housing. If the applicant does not reside in school provided housing the applicant shall also provide a letter from his or her landlord stating his or her residence address.

(3) The applicant shall receive one residential parking permit for the vehicle described in the application. If the applicant moves from said residence within the time period that the permit is issued for or the applicant no longer owns a registered vehicle, the applicant must return the residential parking permit to the Police Department.

(4) The expiration date of the permit shall be one year following the date, or the most recent anniversary date, whichever is later, when the Board of Mayor and Aldermen designated the residential permit parking zone.

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(5) No permits shall be issued for any vehicle which has one or more notices of violation of any parking regulation or regulations made pursuant to city ordinances for which there has been neither payment of waiver fees nor issuance of court process, until such time as all waiver fees have been paid or court process issued with respect to said notices of violation.

(6) Renewal of any permit or issuance of a new permit is to be treated as if an original issuance.

(7) Permit stickers issued may contain such information as the Manchester Police Department may determine to be necessary from time to time, including the expiration date, the license plate number, and the zone number if more than one residential parking zone has been established pursuant to this section.

(8) Replacement stickers shall be issued only on proof of disposition or return of the old sticker. The expiration date to be displayed on the new residential parking permit shall be one year following the expiration date of the existing residential parking permit.

(F) *Transfer of residential parking permits.*

(1) Upon the holder's submission of a completed and validated residential parking permit application, fulfillment of all applicable provisions of this chapter controlling issuance, renewal or transfer of residential parking permits, and surrender of the existing residential parking permit, the holder shall receive a new residential parking permit to be transferred to another qualifying vehicle.

(2) The transfer of the residential parking permit to another qualifying vehicle shall not affect its expiration date.

(G) *Use of residential parking permits.*

(1) A residential parking permit shall not authorize the holder thereof to stand or park a motor vehicle in such places or during such times as stopping, standing, or parking of motor vehicles is prohibited or set aside for specified types of vehicles, nor exempt the holder from the observance of any traffic regulations other than a parking time limitation within a residential permit parking zone.

(2) A parking permit shall be valid only in the residential parking permit area for which it is issued.

(3) No person shall furnish any false information to the city in connection with the obtaining of any permit authorized hereunder. Any permit issued upon such false information or attached to a different vehicle shall be null and void.

(H) *Regulations.* The Committee on Traffic and Public Safety may authorize the

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establishment of residential parking permit programs applicable to specifically designated residential permit parking zones, with regulations as to the number of permits to be issued, the manner of issuance of the permits, the temporary or permanent nature of the program in the designated parking zone and such other conditions which are not in conflict with the section.

(I) *Severability.* If any provision of this subchapter or its application to any person or circumstance is held to be invalid, the remainder of the subchapter and the application of such provision to other persons or circumstances shall not be affected thereby.

(Ord. passed 8-6-02; Am. Ord. passed 4-6-04; Am. Ord. passed 7-20-04; Am. Ord. passed 2-15-05; Am. Ord. passed 10-4-05; Am. Ord. 10-18-05; Am. Ord. passed 4-18-06)

§ 70.56 POLICE TO ATTACH NOTICE OF VIOLATION ON VEHICLE.

When a parking meter indicates a violation of the parking provisions of this chapter, it shall be the duty of the Police Officer or Parking Control Officer who notices said violation to attach to each vehicle violating the provisions of this chapter a notice to the owner or operator thereof that such vehicle has been parked in violation of a provision of this chapter.

(Ord. passed 8-6-02)

§ 70.57 PARKING RATES.

Except as otherwise ordered by the Board of Mayor and Aldermen, rates shall be charged for parking in city-owned facilities and on-street as follows:

(A) Parking garage rates:

(1) Hourly rate \$0.50 per hour 6:00 a.m. to 6:00 p.m. Monday through Saturday excluding holidays: Center of NH Garage, Victory Garage

(2) Monthly rate \$70.00 for 6:00 a.m. to 7:00 p.m. Monday through Friday excluding holidays: Center of NH Garage, Victory Garage, Fleet Bank Garage, Wall Street Garage

(3) Monthly rate \$75.00 - 24 hours per day Monday through Saturday excluding holidays (includes posted civic center event times): Center of NH Garage, Victory Garage

(4) Prepay rate after 6:00 p.m. Monday through Saturday excluding holidays:

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Victory Garage - \$3.00 per vehicle

(5) Validation Program 6:00 a.m. to 8:00 p.m. (including civic center event nights), three hour limit: Victory Garage (Validating tickets available to retailers at a cost of \$0.25 per ticket. Each ticket good for one hour free parking.)

(6) Civic Center Event Parking Fees - (to be posted for Civic Center events)

(a) Center of NH Garage - \$10.00

(b) Victory Garage - \$3.00 prepay, Monday through Friday Early Bird Special 4:00 p.m. - 6:00 p.m. arrival time; \$5.00 prepay Monday through Friday after 6:00 p.m., Saturday/Sunday starting two hours prior to event

(B) Parking lot rates:

(1) Hourly rates -metered \$0.50 per hour pursuant to regulations established by the Committee on Traffic and Public Safety subject to approval of the Board of Mayor and Aldermen

(2) By permit as established pursuant to § 70.54

(3) Civic Center Event Parking Fees -

(a) to be posted Civic Center event parking:

Pine Street Lot	\$10.00 prepay
Rubenstein Lot	5.00 prepay
Hartnett Lot	5.00 prepay
Arms Lot	5.00 prepay
Bedford Lot	5.00 prepay
Seal Lot	5.00 prepay

(b) Civic Center Event Decal \$30.00 per month, 5:30 p.m. to 8:00 p.m. Monday through Friday -

Permit and metered sections - Pine Street Lot, Pearl Street Lot, Seal Lot, Arms Lot, Bedford Lot, Rubenstien Lot, Hartnett Lot; and 10 hour metered spaces Pearl Street Lot, Granite Street Lot, and Arms Outer Lot

(C) On-street parking rates:

(1) By permit rate as established pursuant to § 70.54

(2) No fee when meeting the requirements of § 70.55 relating to residential

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parking permits.

(3) \$30.00 per month civic center event decal 5:30 p.m. to 10:00 p.m. Monday through Friday, and Saturday 8:00 a.m. to 10:00 p.m. - For 10 hour meters any location in lieu of coin deposit

(4) Hourly rates - metered \$0.50 per hour all meters pursuant to regulations established by the Committee on Traffic and Public Safety with the approval of the Board of Mayor and Aldermen

(Ord. passed 8-6-02; Am. Ord. passed 1-21-03; Am. Ord. passed 6-3-03; Am. Ord. passed 6-1-04; Am. Ord. passed 1-4-05)

SNOW REMOVAL

§ 70.61 [RESERVED].

(Previous section repealed on 12-19-05)

§ 70.62 [RESERVED].

(Previous section repealed on 12-19-05)

§ 70.63 [RESERVED].

(Previous section repealed on 12-19-05)

§ 70.64 [RESERVED].

(Previous section repealed on 12-19-05)

§ 70.65 [RESERVED].

(Previous section repealed on 12-19-05)

VEHICLE IMPOUNDMENT

§ 70.70 IMPOUNDMENT OF VEHICLES.

Members of the Police Department are hereby authorized to remove a vehicle from a street or highway to the nearest garage or other place of safety, under the circumstances hereinafter enumerated:

- (A) When any vehicle is left unattended upon any bridge where such vehicle constitutes an obstruction to traffic.
- (B) When a vehicle upon a highway is so disabled as to constitute an obstruction to traffic and the person in charge of the vehicle is by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.
- (C) When any vehicle is left unattended upon a street and is parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic.
- (D) When any vehicle is left unattended in violation of §§ 70.36 through 70.39 of this chapter.
- (E) When any vehicle is left unattended in such a manner as to obstruct the ingress or egress into or from a driveway, or entryway to a public or private building, parking lot or garage, or when such vehicle is parked in a "no parking zone" which is clearly indicated by a legally posted sign indicating that parking is prohibited within said area. Any vehicle so left unattended or so parked is hereby declared to be an obstruction to traffic and a public nuisance.

(Ord. passed 8-6-02)

§ 70.71 REMOVAL, IMPOUNDING AND RETURN OF VEHICLE.

- (A) Any vehicle parked in violation of the terms of this subchapter may be subject to

removal and impoundment. Removal, impounding and return of the vehicle shall be handled in the same manner as set forth in § 70.70.

(B) The owner of a vehicle impounded hereunder, for a snow emergency, shall be responsible for towing, storage charges and operating expenses for which the cost shall be \$110 payable in cash.

(Ord. passed 8-6-02; Am. Ord. passed 11-16-04)

RESPONSIBILITY, NOTICE AND PENALTIES

§ 70.76 PRIMA FACIE RESPONSIBILITY.

If any vehicle is observed or found upon any street or highway in violation of any provision of any ordinance regulating motor vehicles and/or traffic and the identity of the operator cannot be determined, the owner of the vehicle, or the person in whose name that vehicle is registered, shall be prima facie responsible for that violation.

(Ord. passed 8-6-02)

§ 70.77 VIOLATION NOTICE.

A notice of violation of any provision of any ordinance, rule or regulation governing snow emergencies, stopping, standing or parking shall be affixed to the vehicle involved by the authorized individual observing the violation. Such notice shall contain the following information:

- (A) A clear and concise description of the violation.
- (B) The date, time and location of the violation.
- (C) A description of the vehicle involved in the violation.
- (D) The basic penalty for the violation and the increased penalties for failure to pay any penalty during the prescribed time period.
- (E) The name and address of the office to which payment of any penalty or increased penalty can be made.

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(F) Notification that failure to satisfy any notice of violation by paying a penalty or increased penalty will result in court action.

(G) The signature and the identification number of the authorized individual issuing the notice.

(Ord. passed 8-6-02)

§ 70.78 PENALTY.

(A) Each owner or operator of a vehicle found in violation of any provision of Chapter 70 may pay in person or by mail to the Ordinance Violations Bureau the penalty for each violation pursuant to the following table:

<i>VIOLATION</i>	<i>BASIC PENALTY</i>	<i>INCREASED PENALTY</i> (After 7 days from the notice of violation)
Expired parking meter	\$10	\$20
Overtime parking meter	\$15	\$30
Night parking	\$25	\$50
Overtime parking - no meter	\$30	\$60
No parking zone	\$50	\$75
No parking tow zone	\$50	\$75
Fire lane	\$50	\$75
Parking within 15 feet of fire hydrant	\$50	\$75
Parking within 5 feet of private driveway	\$50	\$75
Handicapped parking space - access aisle	\$100	\$200
Handicapped zone	\$250	\$300
Failure to display pay & display receipt	\$10	\$20

(B) Any violation of Chapter 70 not identified elsewhere in the code shall be issued pursuant to § 38.06(B) of this code.

(Ord. passed 8-6-02; Am. Ord. passed 4-6-04; Am. Ord. passed 7-11-06; Am. Ord. passed 12-5-06)

§ 70.79 [RESERVED].

(Previous section repealed on 7-11-06)

§ 70.80 PENALTY IMPOSED FOR COMMERCIAL VEHICLE AND TRUCKING VIOLATIONS.

Any person, persons, firm or corporation who violates any provision of §§ 70.70 et seq. of this chapter shall be guilty of a violation and shall pay a penalty of \$300 for the first offense, \$500 for the second offense, and \$1,000 for the third offense or any subsequent offense thereon.

(Ord. passed 8-6-02)

§ 70.81 PENALTY FOR OTHER VIOLATIONS.

(A) Any person responsible for any violation of any ordinance, rule or regulation pertaining to motor vehicles or traffic for which a penalty is not specifically provided shall be guilty of a violation and shall, upon conviction, be punished by a fine as prescribed by § 130.99 of this Code. Each such violation shall constitute a separate offense.

(B) A person shall be deemed to have committed a separate offense for the violation of any provision of this chapter for each 120-minute period that he permits or causes a vehicle to remain parked in violation of any of the provisions of this chapter, except when parked in violation of the provisions of §§ 70.36(B)(4) and/or §§ 70.61 through 70.65.

(Ord. passed 8-6-02)

§ 70.82 IMMOBILIZATION OF MOTOR VEHICLES FOR NON-PAYMENT OF PARKING FINES.

(A) Any person to whom is sent or issued notification of violations of preceding sections of this subchapter and who does not pay the charges prescribed above, or any vehicle that has accumulated a total of at least \$30 in unpaid parking fees at any parking garage or garages, may be summoned upon complaint to the Manchester District Court. The penalty of violation of this subchapter in such case shall be no less than the fine indicated in the applicable payment schedule, no portion of which may be suspended, and/or

(B) Any vehicle found parked on any public street, parking lot or any other place for which three or more outstanding parking violation "final notices" for violations of the preceding section have been sent equaling at least \$100 may be subject to towing and storage or immobilization by the Manchester Police Department provided notice of intent to tow and store or immobilize said vehicle has been placed on the vehicle or sent to the last known address listed with the State Motor Vehicle Department of the state in which the vehicle is registered. Said notice shall contain the following information:

(1) The date, time and location of the violations leading to the issuance of the notice;

(2) That the subject vehicle will be towed, stored or immobilized after a specific date of not less than five days after the date of the notice unless all the outstanding violations and late fees are paid;

(C) Any vehicle towed and stored or immobilized in accordance with the preceding may be released as follows:

(1) By payment of all charges due.

(2) By posting cash bond with the Police Department in an amount sufficient to make full payment of all parking charges due arising out of violations subject to the provisions of this chapter in order to allow judicial determination regarding the matter in question.

(3) By judicial determination.

(D) In the event that any motor vehicle has been towed and stored or immobilized pursuant to this chapter, a further precondition to the release of said vehicle shall be the payment by the party seeking the release of said vehicle of all fees and charges incurred by the city for the towing and storage and immobilization of said vehicle. Further the vehicle shall not be released until the person requesting it presents satisfactory evidence of his/her right to possession and

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signs a receipt upon receiving the vehicle. The fee for immobilization shall be \$50. The fee for towing and storage of a vehicle shall be that set out in the then current towing contracts between the Police Department and the various towing companies.

(E) When a motor vehicle has been immobilized pursuant to the provisions of this chapter, the Manchester Police Department shall affix a warning notice on the windshield of the vehicle advising the driver not to attempt to operate the vehicle or remove the immobilization device, and advising the operator or owner of the procedure to have the immobilization device removed.

(F) It shall be unlawful for any person to tamper with or attempt to destroy or remove any Manchester Police Department immobilization device from a vehicle without authorization by the Manchester Police Department, and the penalty for such action upon conviction shall be a violation and a fine of \$100, no portion of which may be suspended.

(Ord. passed 8-6-02; Am. Ord. passed 12-3-02; Am. Ord. passed 6-9-03)

CHAPTER 71: SNOW EMERGENCY REGULATIONS

Section

71.01	Short title
71.02	Definitions
71.03	[Reserved]
71.04	Parking on city streets
71.05	Declarations of the Director
71.06	Termination of parking prohibition by Director
71.07	Provisions temporarily effective to take precedence
71.08	Signs to mark snow removal and temporary parking prohibition
71.09	Removal, impounding, and return of vehicles
71.10	Citation on vehicle left parked in violation of this chapter
71.11	Failure to comply with traffic citation
71.12	Evidence with respect to vehicles in violation
71.13	Overnight winter parking
71.14	Impoundment
71.99	Penalty

Cross-reference:

Snow removal, see § 70.61 et seq.

§ 71.01 SHORT TITLE.

This chapter shall be known and may be cited as the “Snow Emergency Ordinance” of the city.

(’71 Code, § 15-40) (Ord. passed 12-19-72; Am. Ord. passed 12-19-05)

§ 71.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DIRECTOR. The Public Works Director, or in his absence, his duly designated and acting representative.

STREET or HIGHWAY. The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

(’71 Code, § 15-42) (Ord. passed 12-19-72; Am. Ord. 12-19-05)

§ 71.03 [RESERVED].

(Previous section repealed on 12-19-05)

§ 71.04 PARKING ON CITY STREETS.

(A) Whenever the Director finds, on the basis of falling snow, sleet, or freezing rain, or on the basis of a forecast by the U.S. Weather Bureau or other weather service, of snow, sleet, or freezing rain, that weather conditions will make it necessary that motor vehicle traffic be expedited and that parking on city streets be prohibited or restricted for snow plowing and other purposes, the Director shall declare a snow emergency. Such declaration shall be effective to prohibit the parking of any vehicle on all or some city streets, parking facilities and schoolyards as described in the declaration, in a manner prescribed by this chapter.

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(B) Once in effect, a prohibition under this section shall remain in effect until terminated by announcement of the Director in accordance with this chapter. While the prohibition is in effect, no person shall park or allow to remain parked any vehicle on any portion of a city street to which it applies. However, nothing in this section shall be construed to permit parking at any time or place where it is forbidden by any other provision of law.

('71 Code, § 15-43) (Ord. passed 12-19-72; Am. Ord. passed 12-19-05) Penalty, see § 71.99

§ 71.05 DECLARATIONS OF THE DIRECTOR.

(A) The Director shall cause each declaration made by him pursuant to this chapter to be publicly announced by means of broadcasts or telecasts from a station or stations with a normal operating range covering the city, and he may cause such declaration to be further announced in newspapers of general circulation when feasible. Each announcement shall describe the action taken by the Director, including the time it became or will become effective, and shall specify the streets or areas affected.

(B) The Director shall make or cause to be made a record of each time and date when any declaration is announced to the public in accordance with this section.

('71 Code, § 15-44) (Ord. passed 12-19-72; Am. Ord. 12-19-05)

§ 71.06 TERMINATION OF PARKING PROHIBITION BY DIRECTOR.

Whenever the Director shall find that some or all of the conditions which give rise to a parking prohibition in effect pursuant to this chapter no longer exist, he may declare the prohibition terminated, in whole or in part, in a manner prescribed by this chapter, effective immediately upon announcement.

('71 Code, § 15-45) (Ord. passed 12-19-72; Am. Ord. 12-19-05)

§ 71.07 PROVISIONS TEMPORARILY EFFECTIVE TO TAKE PRECEDENCE.

Any provision of this chapter which becomes effective by declaration of the Director shall, while temporarily in effect, take precedence over other conflicting provisions of law normally in effect, except that it shall not take precedence over provisions of law relating to traffic accidents, emergency travel of authorized emergency vehicles, or emergency traffic

directions by a police officer.

('71 Code, § 15-46) (Ord. passed 12-19-72; Am. Ord. 12-19-05)

§ 71.08 SIGNS TO MARK SNOW REMOVAL AND TEMPORARY PARKING PROHIBITION.

(A) If no declaration is in effect but the Director determines that any street or portion thereof requires sanding, salting, or snow removal, he or she may establish a temporary parking prohibition for that purpose. Any such prohibition shall be advertised by temporary signs placed on the street(s) involved.

(B) If, as a result of one or more storms, the Director determines that snow has accumulated to a point that creates a hazard, he or she may establish a special prohibition limiting parking to one side of a street or prohibiting it entirely. When parking is limited to one side, such parking shall only be permitted on the odd-numbered side of the street, unless an existing ordinance, rule or regulation establishes parking only on the even-numbered side of that street. On such streets or portions thereof, the existing regulation shall take precedence.

(C) A special parking prohibition may be established on a city-wide basis for any district or area of the city, or for any street or portion thereof. Any such prohibition shall be advertised as required for an emergency declaration. Additionally, on any street located within the central business district that is affected by the prohibition, temporary signs prohibiting parking shall be erected. Special prohibitions shall be terminated when the unsafe condition has abated and, in no event, shall extend beyond May 15th following its Manchester, NH Code of Ordinances establishment.

('71 Code, § 15-47) (Ord. passed 12-19-72; Am. Ord. passed 12-19-05)

§ 71.09 REMOVAL, IMPOUNDING, AND RETURN OF VEHICLES.

Removal, impounding, and return of vehicles shall be handled in the same manner as set forth in §§ 70.70 et seq., which is incorporated herein by reference.

('71 Code, § 15-48) (Ord. passed 12-19-72; Am. Ord. passed 12-19-05)

§ 71.10 CITATION ON VEHICLE LEFT PARKED IN VIOLATION OF THIS

CHAPTER.

Whenever any motor vehicle without a driver is found parked or left in violation of any provision of this chapter, and is not removed and impounded as provided for in this chapter, the officer finding such vehicle shall take its registration number and any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a traffic citation, on a form provided by the Police Department, for the driver to answer to the charge against him within 24 hours during the hours and at a place specified in the citation.

('71 Code, § 15-49) (Ord. passed 12-19-72; Am. Ord. passed 12-19-05) Penalty, see § 71.99

§ 71.11 FAILURE TO COMPLY WITH TRAFFIC CITATION.

If a violator of this chapter does not appear in response to a traffic citation affixed to such motor vehicle in accordance with this chapter within a period of 24 hours, the clerk of the traffic court or other appropriate person shall issue a warrant of arrest.

('71 Code, § 15-50) (Ord. passed 12-19-72; Am. Ord. passed 12-19-05) Penalty, see § 71.99

§ 71.12 EVIDENCE WITH RESPECT TO VEHICLES IN VIOLATION.

In any prosecution with regard to a vehicle parked or left in a place or in a condition in violation of any provision of this chapter, proof that the particular vehicle described in the complaint was parked or left in violation of a provision of this chapter, together with proof that the defendant named in the complaint was at the time the registered owner of such vehicle, shall constitute prima facie evidence that the defendant was the person who parked or left the vehicle in violation of this chapter.

('71 Code, § 15-51) (Ord. passed 12-19-72; Am. Ord. passed 12-19-05)

§ 71.13 OVERNIGHT WINTER PARKING.

(A) It shall be unlawful for any person having custody or control of any vehicle to park or cause to be parked said vehicle on any public street or highway between the hours of 1:00 a.m. and 6:00 a.m. during the period of November 15th and May 15th except as noted in

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divisions (B), (C) and (D).

(B) No person shall park or leave a vehicle parked on streets between the hours of 1:00 a.m. and 6:00 a.m. of any day except that persons may park or leave vehicles parked on even house numbered sides of such streets on even-numbered days of each calendar month, and on odd numbered sides of streets on odd-numbered days of each calendar month.

(C) On streets where one side only of an entire block is so posted against parking that the effect is to prohibit parking during the hours of 1:00 a.m. and 6:00 a.m. every day, the provisions of division (B) shall not apply to the side of the street directly opposite the side where parking is so prohibited, and parking shall be permitted on such opposite sides of the street unless such parking is otherwise specifically prohibited.

(D) Nothing in this section shall be construed so as to permit any vehicle to be parked or to be left parked on any street or way so as to interfere with or hinder the removal or plowing of snow or the sanding/salting of streets by the city, nor to permit the parking or leaving of a vehicle parked in violation of any other section of this chapter including declarations of snow emergencies by the Public Works Director.

(Ord. passed 8-6-02; Am. Ord. passed 11-5-03; Am. Ord. passed 12-19-05)

§ 71.14 IMPOUNDMENT.

(A) Any vehicle parked in violation of the terms of this chapter may be subject to removal and impoundment. Removal, impounding and return of the vehicle shall be handled in the same manner as set forth in §§ 70.70 et seq., which is incorporated herein by reference.

(B) A precondition to the release of a towed vehicle shall be the payment by the party seeking the release of said vehicle of all fees and charges incurred by the city and/or the towing company in the towing and storage of said vehicle. The vehicle shall not be released until the person requesting it presents satisfactory evidence of his/her right to possession and signs a receipt upon receiving the vehicle.

('71 Code, § 15-55) (Ord. passed 11-6-91; Am. Ord. 12-2-97; Am. Ord. passed 12-19-05)
Penalty, see § 71.99

§ 71.99 PENALTY.

(A) Each such owner or operator of a vehicle who violates any provision of this chapter or Chapter 73, Parking Schedules, may, within seven days of the time when such notice

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was attached to such vehicle pay to the Parking Violations Bureau in person or by mail, for and in full satisfaction of such violation, the sum of \$25, except that the fine for violation of § 71.03 shall be \$75.

(B) Failure to make such payment within seven days following a violation shall result in a minimum fine of \$50, except for violation of §71.03, which shall result in a minimum fine of \$150, and may subject the owner or operator of the motor vehicle to an appearance in district court and a fine of not more than \$1,000 upon conviction thereof.

('71 Code, § 15-53) (Ord. passed 12-19-78; Am. Ord. passed 4-16-85; Am. Ord. passed 5-3-05; Am. Ord. passed 12-19-05)

CHAPTER 72: BICYCLES

Section

General Provisions

- 72.01 Definition
- 72.02 Obedience to traffic ordinances; effect of conflict
- 72.03 Obedience to traffic-control devices; exceptions
- 72.04 Speed; direction
- 72.05 Seating; carrying passengers
- 72.06 Carrying packages
- 72.07 Riding two abreast
- 72.08 Clinging to vehicles prohibited
- 72.09 Yielding right-of-way
- 72.10 Riding on sidewalks prohibited; erection of signs
- 72.11 Parking
- 72.12 Rental

Licenses

- 72.20 Licenses required
- 72.21 Application
- 72.22 Issuance
- 72.23 Fee; duration
- 72.24 Grounds for denial
- 72.25 Issuance of plate
- 72.26 Removal of plate

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- 72.27 Purchase of forms and the like; deposit of fees
- 72.28 Records

GENERAL PROVISIONS

§ 72.01 DEFINITION.

Every pedalled vehicle propeled solely by human power upon which any person may ride, except child's tricycle and similar devices.

('71 Code, § 5-1)

Statutory reference:

Bicycle defined, see R.S.A. 259:6

Equipment required, see R.S.A. 266:85 through 266:89

§ 72.02 OBEDIENCE TO TRAFFIC ORDINANCES; EFFECT OF CONFLICT.

Any person operating a bicycle upon any public highway or path within the city shall operate the same in accordance with all the provisions contained in the traffic ordinances of the city and with the provisions of R.S.A. 265:143 through 265:153, except that when any provision contained in such ordinances conflicts with any provision in this chapter, the provisions of this chapter shall predominate, or when by their nature they can have no application thereto.

('71 Code, § 5-2) Penalty, see § 70.99

§ 72.03 OBEDIENCE TO TRAFFIC-CONTROL DEVICES; EXCEPTIONS.

All official traffic signals, signs, and other control devices within the city used in regulating and directing traffic must be obeyed, unless otherwise directed by a police officer; and on public highways where authorized signs are erected, indicating that no left, right, or “U” turn is permitted, no person or persons operating a bicycle in the city shall disobey the regulation contained therein, except that when such person dismounts from the bicycle to make any such turn, he shall obey all the traffic ordinance provisions applicable to pedestrians.

('71 Code, § 5-3) Penalty, see § 70.99

§ 72.04 SPEED; DIRECTION.

Bicycles shall not be operated within the city at a speed greater than is reasonable and prudent under the conditions then existing, and shall be operated as near the right-hand side of the highway as practicable, exercising due care when passing a parked vehicle, or one proceeding in the same direction.

('71 Code, § 5-4) Penalty, see § 70.99

Statutory reference:

Maximum speed limit, see R.S.A. 250:12

§ 72.05 SEATING; CARRYING PASSENGERS.

No person operating a bicycle within the city shall ride it other than upon or astride the permanent and regular seat attached thereto, nor carry more persons upon any bicycle at one time than the number for which it is designed and equipped.

('71 Code, § 5-5) Penalty, see § 70.99

§ 72.06 CARRYING PACKAGES.

No person operating a bicycle within the city shall carry upon said bicycle any package, bundle, or article which prevents the operator from keeping both hands upon the handlebars.

('71 Code, § 5-6) Penalty, see § 70.99

§ 72.07 RIDING TWO ABREAST.

No persons operating bicycles upon a highway within the city shall ride more than two abreast, except on paths, or parts of highways established for the exclusive use of bicycle traffic, and wherever such provisions are made adjacent to a highway, bicycles shall be prohibited the use of the highway.

('71 Code, § 5-7) Penalty, see § 70.99

§ 72.08 CLINGING TO VEHICLES PROHIBITED.

No person operating a bicycle within the city shall attach it or himself to any moving vehicle upon the highway.

('71 Code, § 5-8) Penalty, see § 70.99

§ 72.09 YIELDING RIGHT-OF-WAY.

Bicycles emerging from an alley, driveway, or building within the city shall upon approaching a sidewalk or the sidewalk area extending across any alleyway, or driveway yield the right-of-way to all pedestrians approaching on the said sidewalk or sidewalk area; and upon entering the highway shall yield the right-of-way to all vehicles approaching on said highway.

('71 Code, § 5-9) Penalty, see § 70.99

§ 72.10 RIDING ON SIDEWALKS PROHIBITED; ERECTION OF SIGNS.

No person shall operate a bicycle upon any sidewalk within the city, and the Surveyor of Highways, upon request from the Chief of Police, is hereby authorized to erect signs on any sidewalk or highway prohibiting the operating of bicycles thereon.

('71 Code, § 5-10) Penalty, see § 70.99

§ 72.11 PARKING.

No bicycle shall be parked upon a highway within the city other than against the curb, or upon a sidewalk in a rack to support the bicycle, or against a building; and bicycles shall be parked in such a manner as to afford the least obstruction to pedestrian traffic.

('71 Code, § 5-11) Penalty, see § 70.99

§ 72.12 RENTAL.

No person shall rent, or offer for rent, any bicycle within the city unless it is properly licensed and equipped in accordance with the provision of this chapter.

('71 Code, § 5-13) Penalty, see § 70.99

LICENSES

§ 72.20 LICENSES REQUIRED.

No person shall ride or propel a bicycle on any public highway within the city, or upon any other public path established for the exclusive use of bicycles, unless such bicycle has been properly licensed as herein provided.

('71 Code, § 5-26) Penalty, see § 70.99

§ 72.21 APPLICATION.

Any person requiring a bicycle license shall submit his application in writing to the Chief of Police, or his authorized agents. Each application shall be made on an approved form to be provided by the Police Department and contain such information as the Chief of Police may deem necessary for the proper enforcement of this chapter.

('71 Code, § 5-27)

§ 72.22 ISSUANCE.

(A) It shall be the duty of the Chief of Police or his agents to act on all bicycle license applications received and to issue the same when the provisions of this chapter have been complied with by the applicant, including the certification by the applicant that the bicycle is in good and safe mechanical condition.

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('71 Code, § 5-28) (Am. Ord. passed 3-6-79)

§ 72.23 FEE; DURATION.

(A) The fee for each bicycle license issued shall be \$1. A bicycle shall be considered registered for the entire life of the bicycle, unless the plate provided by the Chief of Police has been mutilated, destroyed, altered, or the ownership of the bicycle has been transferred to another person.

(B) Upon transfer of ownership of the bicycle the new owner shall re-register the bicycle as provided in § 72.21.

('71 Code, § 5-29) (Am. Ord. passed 12-5-72; Am. Ord. passed 3-6-79)

§ 72.24 GROUNDS FOR DENIAL.

The Chief of Police shall not issue a license for any bicycle when he knows, or has reasonable grounds to believe, that the applicant is not the owner of, or entitled to possession of such bicycle, or when the police inspection reveals the bicycle to be in unsafe mechanical condition.

('71 Code, § 5-30)

§ 72.25 ISSUANCE OF PLATE.

Upon the issuance of a bicycle license, the Chief of Police or his agent shall also issue a license plate to the applicant, bearing the license number assigned to the bicycle and the name of the city. The owner shall firmly attach the said plate to the rear mud guard or frame of the bicycle for which it is issued and in such position so as to be plainly visible from the rear. Should the plate become mutilated, destroyed, or altered or should the ownership of the bicycle be transferred, the Chief of Police may cause the owner to reregister the bicycle at the owner's expense.

('71 Code, § 5-32) (Am. Ord. passed 3-6-79)

§ 72.26 REMOVAL OF PLATE.

No person shall remove a license plate from a bicycle during the period for which it was issued, provided that upon the transfer of ownership, the licensee shall remove and destroy the plate assigned thereto.

('71 Code, § 5-33) (Am. Ord. passed 3-6-79) Penalty, see § 70.99

§ 72.27 PURCHASE OF FORMS AND THE

LIKE; DEPOSIT OF FEES.

The Chief of Police shall have the authority to purchase, from the amount budgeted for bicycle registration expense within the Police Department's budget, all license forms, license plates, or any other materials or equipment necessary to properly administer the provisions of this chapter. All fees collected from the bicycle registration program shall be deposited to the general fund.

('71 Code, § 5-34) (Am. Ord. passed 12-5-72)

§ 72.28 RECORDS.

The Chief of Police or his agent shall keep a record of the license number assigned by them to each bicycle, the date issued, the name of the person to whom issued, the number of the frame of the bicycle for which issued, and a record of all such fees collected.

('71 Code, § 5-35)

CHAPTER 73: PARKING SCHEDULES

Schedule

- I. Snow emergency routes

SCHEDULE I. SNOW EMERGENCY ROUTES.

The following streets or portions of streets within the city are hereby designated as snow emergency routes:

<i>STREET</i>	<i>FROM</i>	<i>TO</i>
Ahern Street	Trahan Street	O'Malley Street
Amory Street	McGregor Street	Kimball Street
Baker Street, West	Elm Street	Brown Avenue
Beech Hill Avenue	Beech Hill Drive	Bradley Street
Beech Hill Drive	Bradley Street	South Beech Street
Beech Street	South Willow Street	Webster Street
Bradley Street	Beech Hill Avenue	Northerly to deadend
Bremer Street	Kimball Street	Eddy Road and McGregor
Bridge Street	Elm Street	Mammoth Road
Bridge Street West	Elm Street	McGregor Street
Canal Street	West Sagamore Street	Granite Street
Chestnut Street	Webster Street	Auburn Street
Coolidge Avenue	Kelley Street	Amory Street
Cypress Street	Spruce Street	Valley Street
Dunbarton Road	Front Street	Buckland Street
Eddy Road	McGregor Street	Goffstown Road and Front Street

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<i>STREET</i>	<i>FROM</i>	<i>TO</i>
Front Street	Eddy Road and Goffstown Road	F.E. Everett Turnpike southbound ramp
Granite Street	South Main Street	Elm Street
Hancock Street, West	Second Street	South Main Street
Hanover Street	Elm Street	Lake Avenue
Kelley Street	Kimball Street	Coolidge Avenue
Kimball Street	Bremer Street	Amory Street
Lake Avenue	Elm Street	Hanover Street
Lakeshore Road	Manchester Water Treatment Plant	Candia Road
Mammoth Road	Smyth Road	Massabesic Street
Main Street	Montcalm Street	McGregor Street
Main Street	Putnam Street and McGregor Street	Granite Street
Main Street, South	Granite Street	Woodbury Street
Maple Street	Webster Street	South Willow Street
Massabesic Street	Lake Avenue	Mammoth Road
Mast Road	Varney Street	Goffstown Town Line
McGregor Street	Eddy Road and Bremer Street	Main Street
Milford Street	Sylvester Street	South Main Street
North Street	Elm Street	Maple Street

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<i>STREET</i>	<i>FROM</i>	<i>TO</i>
O'Malley Street	Brown Avenue	South Elm Street
Pine Street	Webster Street	Willow Street
River Road, North	West Webster Street	North Union Street
Rockland Avenue	Goffstown Town Line	Sylvester Street
Salmon Street	Elm Street	Maple Street
Second Street	Granite Street	Blaine Street
Spruce Street	Chestnut Street	Cypress Street
Smyth Road	Mammoth Road	Webster Street
Sylvester Street	Rockland Avenue	Milford Street
Tarrytown Road	Mammoth Road	Massabesic Road
Trahan Street	West Baker Street	O'Malley Street
Union Street	Willow Street	Webster Street
Union Street, North	Webster Street	North River Road
Valley Street	Elm Street	Massabesic Street
Varney Street	Mast Road	South Main Street
Webster Street	Elm Street	Smyth Road
Webster Street, West	Elm Street	River Road
Willow Street	Auburn Street	Shasta Street

('71 Code, § 15-52) (Ord. passed 12-19-72; Am. Ord. passed 2-15-77) Penalty, see § 71.99

CHAPTER 74: [RESERVED]

(Previous chapter replaced by new § 70.30 on 8-6-02)

CHAPTER 75: MOTORIZED SCOOTERS

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GENERAL PROVISIONS

§ 75.01 GENERAL PROVISION; DEFINITION.

(A) This chapter shall govern the use of all motorized scooters, also known as go-peds or motorized skateboards, on all public streets, alleys and highways within the city and the property of any designation owned by the city.

(B) For the purpose of this chapter the term **MOTORIZED SCOOTERS** shall mean any vehicle with a gas or electric engine and wheels joined, in tandem, to the bottom of a narrow platform with a vertical handle fixed to the platform, frame or wheels which is intended to be ridden in a standing position.

(Ord. passed 4-6-04)

§ 75.02 OBEDIENCE TO TRAFFIC-CONTROL ORDINANCES; EFFECT OF CONFLICT.

Any person operating a motorized scooter upon any public highway or path within the city shall operate the same in accordance with all the provisions contained in the traffic ordinances of the city.

(Ord. passed 4-6-04) Penalty, see § 75.99

§ 75.03 OBEDIENCE TO TRAFFIC-CONTROL DEVICES; EXCEPTIONS.

All official traffic signals, signs, and other control devices within the city used in regulating and directing traffic must be obeyed, unless otherwise directed by a police officer; and on public highways where authorized signs are erected, indicating that no left, right, or “U” turn is permitted, no person or persons operating a motorized scooter in the city shall disobey the regulation contained therein, except that when such person dismounts from the motorized scooter to make any such turn, he shall obey all the traffic ordinance provisions applicable to pedestrians.

(Ord. passed 4-6-04) Penalty, see § 75.99

§ 75.04 AGE REQUIREMENTS.

The use of a motorized scooter is allowed by anyone 16 years of age or older; anyone under this age is restricted from using them. A valid motor vehicle driver's license is not required to operate a motorized scooter.

(Ord. passed 4-6-04) Penalty, see § 75.99

§ 75.05 EQUIPMENT REQUIRED.

(A) No person shall operate a motorized scooter unless it is equipped with a brake. Operators shall wear footwear consisting of a sturdy sole and which completely covers the feet and toes.

(B) Any motorized scooters operated upon any way during the period from one-half hour after sunset to one-half hour before sunrise, and whenever rain, snow or fog shall interfere with the proper view of the road shall be equipped with a lamp emitting a white light visible from a distance of 300 feet in front of the motorized scooter and with a red reflector on the rear which shall be visible from a distance of 300 feet to the rear when directly in front of the headlamps of a motor vehicle.

(Ord. passed 4-6-04) Penalty, see § 75.99

§ 75.06 SPEED; DIRECTION.

Motorized scooters shall not be operated within the city at a speed greater than is reasonable and prudent under the conditions then existing, and shall be operated as near the right-hand side of the highway as practicable, exercising due care when passing a parked vehicle, or one proceeding in the same direction.

(Ord. passed 4-6-04) Penalty, see § 75.99

§ 75.07 YIELDING RIGHT-OF-WAY.

Motorized scooters emerging from an alley, driveway, or building within the city shall

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upon approaching a sidewalk or the sidewalk area extending across any alleyway, or driveway yield the right-of-way to all pedestrians approaching on the said sidewalk or sidewalk area; and upon entering the highway shall yield the right-of-way to all vehicles approaching on said highway.

(Ord. passed 4-6-04) Penalty, see § 75.99

§ 75.08 NOISE.

No motorized scooter shall make any unreasonably loud, disturbing or unnecessary noise.

(Ord. passed 4-6-04) Penalty, see § 75.99

§ 75.09 RENTAL.

No person shall rent, or offer for rent, any motorized scooter within the city unless it is properly licensed and equipped in accordance with the provisions of this chapter.

(Ord. passed 4-6-04) Penalty, see § 75.99

LICENSES

§ 75.11 LICENSES REQUIRED.

No person shall ride or propel a motorized scooter on any public highway within the city, or upon any other public path unless such motorized scooter has been properly licensed as herein provided.

(Ord. passed 4-6-04) Penalty, see § 75.99

§ 75.12 APPLICATION.

Any person requiring a license for a motorized scooter shall submit his application in writing to the Chief of Police, or his authorized agents. Each application shall be made on an

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approved form to be provided by the Police Department and contain such information as the Chief of Police may deem necessary for the proper enforcement of this chapter.

(Ord. passed 4-6-04)

§ 75.13 ISSUANCE.

It shall be the duty of the Chief of Police or his agents to act on all motorized scooter license applications received and to issue the same when the provisions of this chapter have been complied with by the applicant, including the certification by the applicant that the motorized scooter is in good and safe mechanical condition.

(Ord. passed 4-6-04)

§ 75.14 FEE; DURATION.

(A) The fee for each motorized scooter license issued shall be \$5. A motorized scooter shall be considered registered for the entire life of the motorized scooter, unless the plate provided by the Chief of Police has been mutilated, destroyed, altered, or the ownership of the motorized scooter has been transferred to another person.

(B) Upon transfer of ownership of the motorized scooter the new owner shall re-register the motorized scooter as provided in § 75.12.

(Ord. passed 4-6-04)

§ 75.99 PENALTY.

Any person or persons violating any act or provision of this chapter shall be fined not more \$25 for the first and \$50 for a second offense. Any person or persons violating this chapter on a third, or more, time must appear.

(Ord. passed 4-6-04)